

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ALFREDO SUAREZ,

Plaintiff,

v.

O. VALLADOLID, et al.,

Defendants.

No. 1:22-cv-00160-SAB (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

Hearing: **Settlement Conference**

Date: **June 18, 2024**

Time: **1:00 P.m.**

Judge: **Barbara A. McAuliffe**

Location: via Zoom Videoconference

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

This case is currently set for jury trial on August 6, 2024. The Court finds that this case will benefit from a settlement conference prior to trial.

Therefore, this case will be referred to Magistrate Judge Barbara A. McAuliffe to conduct a **video settlement conference, via the Zoom videoconferencing application**, on **June 18, 2024, at 1:00 p.m.** The Court will issue any necessary transportation order in due course.

Counsel for Defendants shall contact Courtroom Deputy Esther Valdez at (559) 499-5788 or evaldez@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes, for all parties. Counsel for Defendants is also required to arrange for Plaintiff's participation by providing the necessary Zoom contact information.

1 The parties shall each submit to Judge McAuliffe a confidential settlement conference
2 statement, as described below, to arrive at least seven days (one week) prior to the conference.

3 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
4 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what
5 the restitution obligation is, but what the value of the case itself is to each side, irrespective of any
6 outstanding restitution obligation.

7 Defendants shall be prepared to negotiate the merits of the case and offer more than a
8 waiver of costs as a reasonable compromise to settle the case. The parties are also informed that
9 an offer of dismissal in exchange for a waiver of costs is not considered good faith settlement
10 negotiations.

11 In accordance with the above, IT IS HEREBY ORDERED that:

- 12 1. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
13 **application**, before Magistrate Judge Barbara A. McAuliffe on **June 18, 2024 at 1:00**
14 **p.m.**
- 15 2. A representative with full and unlimited authority to negotiate and enter into a binding
16 settlement shall attend **via the Zoom videoconferencing application**.
- 17 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
18 The failure or refusal of any counsel, party or authorized person subject to this order
19 to appear in person may result in the cancellation of the conference and the imposition
20 of sanctions. The manner and timing of Plaintiff's transportation to and from the
21 conference is within the discretion of CDCR.
- 22 4. Defendants shall provide a confidential settlement statement to the following email
23 address: **bamorders@caed.uscourts.gov**. Plaintiff shall mail his confidential
24 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California
25 93721, **"Attention: Magistrate Judge Barbara A. McAuliffe."** The envelope shall
26 be marked "Confidential Settlement Statement." Settlement statements shall arrive
27 no later than **June 11, 2024**. Parties shall also file a Notice of Submission of
28 Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements

1 **should not be filed** with the Clerk of the Court **nor served on any other party.**

2 Settlement statements shall be clearly marked “Confidential” with the date and time
3 of the settlement conference indicated prominently thereon.

4 5. The confidential settlement statement shall be **no longer than five pages** in length,
5 typed or neatly printed, and include the following:

6 a. A brief statement of the facts of the case.

7 b. A brief statement of the claims and defenses, i.e., statutory or other grounds
8 upon which the claims are founded; a forthright evaluation of the parties’
9 likelihood of prevailing on the claims and defenses; and a description of the
10 major issues in dispute.

11 c. An estimate of the cost and time to be expended for further discovery, pretrial,
12 and trial.

13 d. The party’s position on settlement, including present demands and offers and
14 a history of past settlement discussions, offers, and demands.

15 e. A brief statement of each party’s expectations and goals for the settlement
16 conference, including how much a party is willing to accept and/or willing to
17 pay.

18 f. If parties intend to discuss the joint settlement of any other actions or claims
19 not in this suit, give a brief description of each action or claim as set forth
20 above, including case number(s) if applicable.

21 6. If a settlement is reached at any point during the stay of this action, the parties shall
22 file a Notice of Settlement in accordance with Local Rule 160.

23 7. The parties remain obligated to keep the Court informed of their current address at all
24 times during the stay and while the action is pending. Any change of address must be
25 reported promptly to the Court in a separate document captioned for this case and
26 entitled “Notice of Change of Address.” See Local Rule 182(f).

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- 1 8. **A failure to follow these procedures may result in the imposition of sanctions by**
2 **the court.**

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4 IT IS SO ORDERED.

5 Dated: **May 10, 2024**


UNITED STATES MAGISTRATE JUDGE